

ESP

Extreme Sports Park

**403 So. Lincoln St. Suite 4. PMB 50
Port Angeles, Wa. 98362**

September 24, 2011

**City of Port Angeles
P.O. Box 1150
Port Angeles, Wa.
98362**

RE:Clearing and Grading Permit No. 10-07

Dear Mr. Cutler:

We believe that there are some assumptions being made about our use of property. For the three years since we purchased this piece of land, our intentions for use of the land have always been to keep the largest portion in an agricultural state. We plan on enhancing the agricultural state of our property with "normal farming practices". The road in question was an existing farm road that was getting grown over. We have gone in and removed the over grown vegetation. With normal farming practices in mind we have maintained this preexisting road to our back field area. At the end of this road we have graveled an area to store the hay and agricultural equipment we use to farm this land. The biggest problem that surfaced when we were applying for the permits to have this event was the wetland issue. We spent 3 years and \$60,000.00 to get permits through the Army Corp. of Engineers. We had an understanding with the Corp. that on event day we could park and walk in these wetland areas. "Just don't cut and fill in the wetlands". Unfortunately the State Of Washington seems to want to take even more of our land and control how we use it. They have mandated to the City of Port Angeles that we can not have anybody park or walk on the wetland area and forced us to fence these areas off. We did do that, but the ironic part of this is that the property is still agricultural and that gives us the right to farm the wetlands using "normal Farming Practices". On the weekend of the event we had our fence up with our "critical area" signs in place but at the same time we had a farm tractor with a plow attached tilling the soils that our state says we can't walk or park on. With this

being said we are sure that there will be even more incorrect assumptions being made about the use of this property. We would like for the City of Port Angeles to know that the area drawn on our event plan is correct. The areas outside of that scope of work is entirely agricultural. Please feel free to contact us to clarify any assumptions that may be made about our property.

**Thank You,
Dan Morrison**

**P.S. - The property and agricultural use of this land is "A2Z Enterprises"LLC
The event is ran by ESP "Extreme Sports Park"LLC**



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

JUL 23 2010

Mr. Dan Morrison
A2Z Enterprises, LLC
408 East Scribner Road
Port Angeles, Washington 98362

Reference: NWS-2009-340
A2Z Enterprises, LLC

Dear Mr. Morrison:

This letter concerns your request for an approved jurisdictional determination and application to excavate a sprint boat race track on your property located at 2917 Edgewood Drive, Port Angeles, Washington. On May 18, 2010, my staff inspected a portion of the property at the above location in response to your request for verification of the wetland boundaries within the specified review area. We concur with the wetland boundaries within the review area as illustrated on the enclosed drawing dated June 10, 2010. The U.S. Army Corps of Engineers has determined that Wetlands A, B and C within the review area are waters of the United States.

This approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information or circumstances warrant revisions of the determination. Wetlands and other waters of the U.S. are affected by both natural and human activities and changes in the jurisdictional (wetland) boundaries can occur over time. Human activities that affect wetlands include changes in land uses near or adjacent to the wetlands. The proposed sprint boat race track construction near the wetlands within the review area is an example of human activities that can affect the jurisdictional wetland boundaries. Should you have additional or different development plans within the review area after the ponds are constructed, revisions to this wetland determination in less than the 5-year approved jurisdictional determination period may be warranted.

A copy of this jurisdictional determination, dated July 14, 2010, can be found on our website at <http://www.nws.usace.army.mil/> click on Regulatory, Regulatory/Permits, Jurisdictional Determinations. If you object to this determination, you may request an administrative appeal under our regulations (33 CFR 331) as described in the enclosed *Appeal Process Fact Sheet* and the *Notification of Administrative Appeal Options and Process and Request for Appeal* form.

We have reviewed the information provided in your *Joint Aquatic Resources Permit Application Form* (JARPA) dated April 1, 2010, pursuant to Section 404 of the Clean Water Act

Attachment B

and Section 10 of the Rivers and Harbors Act of 1899. We have determined that a Department of the Army (DA) permit is not required for your proposed work as described in your application and drawings.

Under Section 10 of the Rivers and Harbors Act of 1899, a Section 10 DA permit is normally required for work or structures in or affecting navigable waters of the U.S. Because Wetlands A, B, and C are not navigable waters, a Section 10 DA permit is not required.

Under Section 404 of the Clean Water Act, a DA permit is normally required for the discharge of dredged or fill material (e.g., fill, excavation, or mechanized land clearing) into waters of the U.S., including wetlands. For more information, see the enclosed *Clean Water Act Extracts and Definitions*. Based on the information you provided, the sprint boat race track and the excavated material from the race track construction would not be placed in wetlands within the review area. The enclosed project drawing dated June 10, 2010, indicates a parking lot in Wetland A within the review area. You have indicated that activities related to the proposed parking area would not include a discharge of dredged or fill material in Wetland A. Based on the information provided, we have determined that a Section 404 DA permit is not required for the proposed project within the review area.

This determination applies only to the review area and the work described in your JARPA application within the review area. We are aware of other waters and wetlands that occur on this property that are not the subject of this determination. You should contact our office to determine permit requirements prior to performing work in wetlands or other waters at this property. Please be advised, we will consider the discharge of dredged or fill material into waters of the United States at this property (within or outside the review area) without a valid DA permit to be a knowing and willful violation of Federal law.

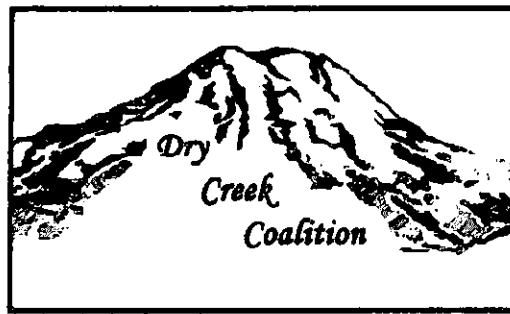
While a DA permit is not required, local, state, and other federal requirements may still apply. A copy of this letter with drawings will be furnished to Ms. Robbyn Myers, BGE Environmental, LLC, at 2102 Brashem Avenue, Bremerton, Washington 98310. If you have any questions, please contact the Project Manager, Pamela Sanguinetti at (206) 764-6904 or via email at pamela.sanguinetti@usace.army.mil.

Sincerely,



Michelle Walker
Chief, Regulatory Branch

Enclosures



Mr. Dan Morrison

DRY CREEK COALITION (DCC) is a non-profit organization that was formed in 1994 to protect and preserve the natural resources of the Dry Creek watershed. The DCC is a coalition of local residents, businesses, and government agencies who are committed to the protection and preservation of the Dry Creek watershed.

6 May 2008

**Mr Jeff Robb
Director of Aviation and Marinas
Port of Port Angeles
P.O. Box 1350
Port Angeles, WA 98362**

Re: Sprint Boat Course, 113 acre Critchfield Property

Mr Dan Morrison, Mr and Mrs Don Zozosky, and Mr Randy Alderson presented their plan for a sprint boat race course to membership of the Dry Creek Coalition (DCC) on 2 May 2008. The course is proposed to be located on two acres of the subject property with additional acreage used for parking and concessions.

Our membership, in attendance at that meeting, enthusiastically endorsed their two event per year proposal with the following caveats: (1) Dry Creek and its riparian area would not be adversely impacted by the race course, (2) water for filling the raceway would not be drawn from Dry Creek, and (3) discontinuance of any races would require restoring the raceway channels with materials originally excavated from the channels.

The Coalition continues to endorse the use of this property for community activities, vice heavy industrial development.

We have surveyed our DCC Board and recommend the following types of uses for that property: equestrian/canine trails and show event facilities, Humane Society headquarters (kennels, pastures for large animals), hiking and exercise trails, athletic fields, natural park area(s) for recreation and wildlife, pea patches for urbanites (site located on existing Clallam Transit route), the tennis "bubble", nursery and farm activities, golf course and technology office park (fiber optic on Edgewood Drive). Any or all of these activities, with proper design, could be accommodated on that property without destruction of critical wetland areas. We

Attachment A

realize that City of Port Angeles facilities for these activities do not currently exist and are essential, however, the wetlands could easily serve as a wastewater and sewage treatment facility with proper design. Those designs have long existed and are used extensively in Canadian sewage treatment systems, using wetlands. The Port of Port Angeles could become an environmental ground breaker in this development, having the necessary wetlands in possession. The large expanses of impervious surfaces of the airport and its associated buildings generate a major stormwater management problem. The Critchfield wetland property could serve as a stormwater management facility, maintaining future conformance to stormwater management regulatory requirements.

We consider that each and every one of these activities, including the sprint boat event, would contribute positively to Port Angeles tourism and area quality of life issues and would promote activities complimentary to our rural, residential Dry Creek area.

The DCC strongly endorses establishing a sprint boat event course on the Critchfield 113 acre property.

Sincerely,

Bill Hamilton
President

Cc: Mr McChesney, Executive Director Port of Port Angeles
City of Port Angeles Planning Department
Commissioner Mike Doherty, Clallam County

Plan: Sustaining up Life in the Dry Creek Area



**PORT ANGELES BUSINESS ASSOCIATION
PO BOX 545
PORT ANGELES, WA. 98362**

**Planning Commission
City of Port Angeles**

December 13, 2011

Dear Planning Commissioners,

The Port Angeles Business Association believes it is imperative that we once again unequivocally state our support for the sprint boat races and ask that their conditional use permit be extended for the tract located at 2917 Edgewood Drive in Port Angeles.

Not only did the first sprint boat race greatly exceed both the organizer's and community's expectations, but in doing so this inaugural race succeeded in getting thousands of additional dollars into community programs through donations as well. In the current state of the economy to have an event that draws thousands of people to our community with all the associated purchases, expenditures on hotel rooms, and tax revenue is a real and measurable benefit for our city. To not extend this permit would cost our community money, taxes, jobs and prestige.

This is another great example of a new and diversified enterprise which adds greatly to our area. The Port Angeles Business Association therefore formally request that you recommend extending their use permit. Thank you for your time and consideration.

Sincerely,

**Kaj Ahlburg
President, Port Angeles Business Association**

CITY OF



PORT ANGELES

WASHINGTON, U. S. A.

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

TO: Planning Commission

FROM: Sue Roberds, Planning Manager

DATE: December 14, 2011

RE: Extension of Unclassified Use Permit - UUP 11-01

APPLICANT: Dan Morrison dba A2Z Enterprises

OWNER: Same

LOCATION: 2917 W. Edgewood Drive

REQUEST: Extension of a sprint boat race track use in the Industrial Heavy zone.

PROPOSAL:

The applicant is requesting extension of Unclassified Use Permit UUP 11-01 for A2Z Enterprises to continue development and use of a property as a recreational enterprise for sprint boat and rock crawl activities.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission approve an extension of UUP 11-01 for 5 years with 5 conditions, citing 9 findings and 4 conclusions in support of that action as listed in Attachment A to this staff report.

PUBLIC COMMENT:

Public notice of the request for permit extension appeared in the *Peninsula Daily News* on November 24, 2011. The site was posted and notification was mailed to property owners within 300 feet of the site and to parties of record to the original application process on November 23, 2011. As a result of that notification, three letters in opposition to extension were received: One letter from the Dry Creek Coalition raised issues regarding water usage and wetland incursion; a second letter from the Center for Environmental Law & Policy (CELP) raised the same issues. The third letter questioned development progress thus far and reiterated concerns with water resources and wetland issues. While the letter raises discussion of the pertinent issues, matters that are under the purview of the local jurisdiction. Water and wetland issues are under the jurisdiction of the Department of Ecology and the Army Corps of Engineers. The only land use issue noted was the expansion of a pre-existing farm road that was not included in the original clearing and grading permit for development of the outdoor track. This matter has been addressed by the property owners through a separate clearing and grading permit. The issued

stormwater permit was reviewed with regard to the amended clearing and grading application. It was determined that additional work did not affect the overall stormwater permit. No land use issues, i.e., traffic, noise, or residential intrusion, were noted in the letter of opposition.

Several e-mails were also received as a result of the public notification in favor of the request citing an economic boost to the area as a result of the first event, recreational opportunities, and general community support. Those e-mails are attached to the December 14, 2011, staff report.

DEPARTMENT OF COMMUNITY DEVELOPMENT ANALYSIS:

Unclassified Use Permit UUP 11-01 was approved for A2Z Enterprises on March 23, 2011, for an initial one year period. The approved use was the development of a recreational enterprise, specifically a sprint boat racing activity, on an approximately 90 acre site zoned Industrial Heavy (IH) that includes wetlands, with the following 6 conditions.

ORIGINAL CONDITIONS, FINDINGS, AND CONCLUSIONS

Conditions:

1. The Unclassified Use Permit is approved for a one year period and will enable an initial sprint boat racing event with potential extension to allow additional such events following review of the impacts of the initial activity. The applicant shall request, in writing, the intent to continue operation of the activity beyond the initial event for the one year period and shall indicate any anticipated changes to plans or schedules based on the initial event, needed due to issues that occurred during that event, and shall provide more specific dates and information for future events. The information will be reviewed by staff and the Planning Commission for approval prior to operating a second or subsequent seasons.
2. Overnight camping is permitted only during scheduled events and is only intended for spectators and participants.
3. All environmentally sensitive areas, (wetlands and Dry Creek) shall be identified and separated from the rest of the site using a physical barrier such as flexible fencing. To prevent trespass that could result in inadvertent damage to the environmentally sensitive areas.
4. The access road from Edgewood Drive shall be improved in such a manner that it can, at minimum, facilitate two lanes of continuous traffic and provide stable foundation so that mud or debris is not transported onto county roads.
5. Event operators shall be responsible for controlling dust generated on the site from vehicle parking and traffic lanes during events.
6. On site water use approval shall be obtained from the Department of Ecology or purchased from another source.

Following is an analysis of how compliance with the conditions of approval was achieved.

Condition No. 1 By letter received October 11, 2011, the applicant outlined the initial race activity and requested extension of the UUP so that future events could be scheduled. That letter of extension is attached to this memorandum for your review. The request for extension provides a summary of race components and how conditions of approval were addressed. Also noted are improvements intended for future such events. The property owners are proposing two events for 2012 – one event in August and one in September.

Condition 2 allowed overnight camping for participants and spectators. *Zero problems were reported during the event.*

Condition 3 required environmentally sensitive areas to be identified by a physical barrier placed to prevent trespass during race activities. *This was done with flexible fencing. Staff inspected the fencing prior to the event to ensure that the area barricaded was the area identified by the U.S. Army Corps of Engineers as being a wetland that was to remain undisturbed for the event.*

Condition 4 required the access road to be improved for two lanes of traffic and that debris would not be deposited on the adjacent County roadway from the site. *The event required a wider driveway to accommodate additional traffic without backup on Edgewood Drive. A wider driveway is planned for future events.*

Condition 5 required that dust be dampened. *Dust was not a problem.*

Condition 6 dealt with water use. *Water was provided by tanker truck on race day; however, the issue of use of on site wells was an issue prior to race day. The Department of Ecology (DOE) did not approve the use of on site wells or of water being drawn from Dry Creek for the event prior to race day. The property owner worked with the Port of Port Angeles in supplying additional water from a stormwater pond on adjacent property. This method of water use drew initial criticism resulting in the Port of Port Angeles meeting with the Department of Ecology to determine future stormwater availability. As a result of recent discussion with DOE representatives, water may be drawn from a well dated 1937 for future activities. Additional water may be trucked if necessary. The 1937 well precedes the State's 1945 water resource law that restricts water used from wells established after 1945 for agricultural purposes. The use of on site water is not within the City's purview to control.*

On December 5, 2011, Department of Ecology (DOE) and Army Corps of Engineers (ACOE) staff inspected the site. Staff spoke to representatives of both agencies who did not identify issues of water that had not been resolved or could not be resolved in short order. Both agency staff members contacted noted that their respective agencies were working in a positive manner with the property owner on issues that had been brought to them.

Development of the site required a City clearing and grading permit. Staff inspected the work prior to the event and noted a farm path located in the southwest area of the property that had been widened but did not appear on the original clearing and grading permit application drawings nor addressed in the stormwater permit. The applicant was notified of this discrepancy and has since modified the permits such that the developed roadway is included in the overall clearing and grading permit with appropriate stormwater prevention methods are in place. Public Works and Utilities staff have reviewed the revised information and have issued an amended permit.

Staff recommends that the unclassified use permit be extended for a five (5) year period. This recommendation is made subject to the conditions, findings, and conclusions noted in Attachment "A" to this memorandum.

Attachments: A – Conditions, findings, and conclusions for approval of extension of permit
 B - Extension request
 C – Public comment letters
 D – March 23, 2011 minutes excerpt

ATTACHMENT A
CONDITIONS, FINDINGS, AND CONCLUSIONS IN SUPPORT OF EXTENSION
OF UUP 11-01

The Planning Division recommends the Planning Commission *approve* a five (5) year extension of Unclassified Use Permit UUP 11-01 subject to 5 conditions and based on the following 9 findings and 4 conclusions in support of the action:

Conditions:

1. The Unclassified Use Permit is extended for a five year period to December 14, 2016 to permit the continuation of sprint boat racing at 2917 Edgewood Drive. If events other than the sprint boat races are planned such that modification to the property are anticipated, the applicant shall inform City staff to determine if an amendment to any pertinent permit is required.
2. Overnight camping for spectators and event participants is permitted only during scheduled events.
3. To prevent trespass that could result in inadvertent damage to the environmentally sensitive areas, all environmentally sensitive areas shall be identified and separated from the rest of the site using a physical barrier such as flexible fencing during all events.
4. The access road from Edgewood Drive shall be developed in such a manner that it can, at minimum, facilitate two lanes of continuous traffic and provide stable foundation so that mud or debris is not transported onto county roads.
5. Event operators shall be responsible for controlling dust generated by vehicle parking and use during events.

Findings:

Based on the information provided in the Community Development Staff Report for UUP 11-01 dated March 23, 2011, the October 11, 2011, request for extension, all information in the public record file, comments and testimony presented during the public hearing, the Planning Commission discussion and deliberation, the City of Port Angeles Planning Commission hereby finds that:

1. Unclassified Use Permit (UUP) UUP 11-01 was approved by the Planning Commission on March 23, 2011 with 6 conditions. The UUP permitted the development of an outdoor sprint boat track use in the Industrial Heavy zone at 2917 Edgewood Drive for an initial one year period.
2. On October 11, 2011, a request for extension was received from Dan Morrison on behalf of A2Z Enterprises in compliance with Condition 1 of Unclassified Use Permit UUP 11-01 approval. The extension request included information as to how the conditions of approval were implemented and outlined anticipated future events.
3. An unclassified use is a use that requires a special degree of control to make such use consistent and compatible with other existing or permissible uses in the same zone. The sprint boat track use is an outdoor activity that is not identified as a permitted or conditionally allowed use in any zone in the City. Due to the unique nature of the proposed use, an Unclassified Use Permit is the appropriate method of review.

4. Per 17.96.070(E) PAMC, Extensions of approved conditional use and unclassified use permits shall be considered in accordance with the same procedures as for the original permit application, and may be granted for a period of one to five years, provided that the following minimum criteria are met:
 1. The use complies with the permit conditions.
 2. There have been no significant, adverse changes in circumstances.
5. Section 17.96.070(F) PAMC Minor Amendment of Approved Conditional Use Permits provides that *"Upon written request submitted to the Department of Community and Economic Development a minor amendment may be made to an approved conditional use permit if the amendment does not increase the intensity of the use by more than 10% of the original approval; the amendment will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the subject property is located; and the site has been posted and adjacent property owners notified fifteen (15) days prior to the decision. Any applications that are not granted a minor amendment pursuant to this section must obtain an amendment through the City's normal conditional use permit procedure."*
6. The property owner is working with Department of Ecology and Port of Port Angeles staff regarding the provision of water for on site activities. A water well dated 1937 is available for on site use.
7. Following track development, the City's Public Works and Utilities Department noted that the clearing and grading permit issued for the original site development needed to be corrected. A farm road located in the southwest area of the property had been considerably widened during track development but did not appear on the initial clearing and grading permit. The applicant modified the map that was originally submitted for the clearing and grading permit and, following review including stormwater regulations, the necessary land use permits have been revised and are current. Site development did not require a stormwater permit. The City's Fire Department did not concerns to report as a result of the initial sprint boat event that served approximately 9,500 spectators.
8. County Road Department staff noted that traffic for the event was not an issue.
9. Public notice of the request appeared in the *Peninsula Daily News* on November 24, 2011. The site was posted and notification was mailed to property owners within 300 feet of the site and to parties of record to the original application process on November 23, 2011.

Three letters were received in opposition to extension of the use as a result of the public notification process: One letter was received from the Dry Creek Coalition that raised issues regarding water usage and wetland intrusion. A second letter from the Center for Environmental Law & Policy (CELP) raised the same issues. The third letter from Shirley Nixon echoed the concerns of the first two letters but included discussion regarding the clearing and grading, water use, and stormwater matters. None of the issues raised in opposition to extension of the permit related to operation of the use, which is the subject of the extension review. Water usage is under the purview of the Department of Ecology and wetland concerns are under the jurisdiction of the Army Corps of Engineers. The City of Port Angeles' permitting realm is that of land use. The property owners are working with jurisdictional agencies to address any matters of concern. City staff spoke with representatives of both the Department of Ecology and

Army Corps of Engineers on December 7, 2011. No violations were reported that were not being satisfactorily addressed following said agency site visits.

Several e-mails were also received as a result of the public notification that commented on the success of the September, 2011, sprint boat event and encouraged continuation of such events at the site as being in the best interest of the Port Angeles community.

Conclusions:

Based on the information provided in the Department of Community Development Staff Report for CUP 11-01 dated March 23, 2011, the October 11, 2011, request for extension, all information in the public record file, comments, and testimony presented during the public hearing, the Planning Commission's discussion and deliberation, and the above listed conditions of approval and findings, the City of Port Angeles Planning Commission hereby concludes that:

1. The initial sprint boat race was conducted in accordance with permit conditions. The clearing and grading permit necessary for development of the track was amended when it was determined that it did not include all of the work done in track development. All local permits have been obtained for the work done in developing the site and permits are up to date including stormwater.
2. As conditioned, provisions have been made to address public health and safety matters with regard to future events. No significant or adverse changes in circumstance are known to exist.
3. The extension request was processed in accordance with Section 17.96.070 PAMC.
4. Following review of all information presented during the review period, it is appropriate to grant the extension as requested.

COMPREHENSIVE PLAN GOALS, POLICIES, AND OBJECTIVES THAT SUPPORT DEVELOPMENT BY UNCLASSIFIED USE PERMIT IN THE IH ZONE:

Comprehensive Plan

The City's Comprehensive Plan establishes the long range goals and policies of the City. Any project proposed in the City must be consistent with the goals and policies of the Comprehensive Plan. The site is located in the City's Southwest Planning Area. The Plan was reviewed in its entirety with regard to the proposed application and several goals and policies were found to be relevant to the proposal. An analysis of compliance with those policies is as follows:

Land Use Element

Industrial Goals, Policies, and Objectives

Goal G. *"To create and maintain a healthy and diverse industrial sector for a balanced and stable local economy".*

Policy 2. *"Office, commercial, and limited work/live uses should be allowed in specifically designated industrial areas".*

Goal H. *"To provide opportunities for industrial development in a manner, which efficiently uses the community's various attributes and natural resources, has minimal impact on the environment, contributes to the City's quality of life, and is compatible with the desired urban design of the City".*

Policy 3. *"Industrial areas should buffer their impact to mitigate nuisance and hazardous characteristics such as noise, particulate matter in the air, water or odor pollution, or objectionable visual material".*

Conservation Element

Goal A *"To create and maintain a community with a high quality of life where the land is used in a manner that is compatible with the area's unique physical features, its natural, historical, archaeological, and cultural amenities, and the overall environment".*

Policies

1. *"The City should require all development, including the location and design of all structures and open space areas, to be compatible with the unique physical features and natural amenities of the land and complement the environment in which it is placed, while recognizing the rights of private ownership".*
2. *"The City should promote compatibility between the land and its use by regulating the intensity of the land use".*

Goal B. *"To protect and enhance the area's unique physical features, its natural, historical, archaeological, and cultural amenities, and the overall environment".*

Policies

1. *"The City should further the public interest by protecting and enhancing the area's unique physical features, valuable natural historical, archaeological, and cultural amenities, and the overall environment, while recognizing the rights of private ownership".*
 2. *"The City should maintain and preserve its unique physical features and natural amenities, such as creeks, streams, lakes, ponds, wetlands, ravines, bluffs, shorelines, and fish and wildlife habitats".*
- 5 - *"The City shall establish minimum standards for development of properties which contain or adjoin critical areas for the purpose of protecting such areas and enhancing their natural functions."*

6. *"The City should regulate site design, preparation, and development to avoid or minimize damage to wetlands and other environmentally sensitive areas".*
7. *"Recognizing the functions and values of wetlands, the City should strive to achieve no net loss of wetlands".*
- 8 - *"The City should preserve uniquely featured lands which still exist in their natural states and which are notable for their aesthetic, scenic, historic, or ecological features and should prohibit any private or public development which would destroy such qualities, while recognizing the rights of private ownership."*

Objective B.3 – *"The City will identify and implement site specific requirements for individual development proposals to mitigate any negative impacts created by the development, particularly to an area identified as an environmentally sensitive area."*

Zoning Ordinance

The Zoning Ordinance is the primary implementing ordinance for the Comprehensive Plan. The Ordinance establishes what types of uses are permitted and where they may be located in the City. It also establishes definitions and minimum design standards for such uses. Any project proposed in the City must be consistent with specific regulations of the zone in which it is located.

The Zoning Map identifies the subject property and adjacent properties as Industrial Heavy (IH). The purpose and intent of this zone is: *"This is the least restrictive industrial zone intended to be the area that heavy industry could develop causing the least impact on other land uses. Significant adverse impacts can be expected from permitted industrial uses that involve hazardous materials, noise, air and water pollution, shift work around the clock, entertainment businesses with adult-only activities, and outside storage yards and manufacturing activities. This zone provides the basic urban land use pattern for heavy industrial uses with direct access to major transportation facilities, design standards for greater truck traffic, and buffers for nonindustrial uses unless deemed impractical".*

Definition Section

17.08.105 - "U"

A. **Unclassified Use Permit** - a limited permission to locate a particular unusual, large-scale, unique or special use at a particular location, which limited permission is required to modify the controls stipulated by these Regulations in such degree as to assure that the particular use shall not prove detrimental to surrounding properties, shall not be in conflict with the Comprehensive Plan, and shall not be contrary to the public interest. (Ord. 2861 §1 (part), 3/17/1995)

B. **Unclassified Use** - a use which is not permitted in any zone and which requires a special degree of control to make such use consistent and compatible with other existing or permissible uses in the same zone.

17.95.100 Uses. Any uses not expressly permitted in a specific zone may be reviewed by the Planning Commission for approval or denial in light of the zoning intentions and consistent with the Comprehensive Plan.

17.96.060 Unclassified Use Permit.

A. The Planning Commission shall consider applications for Unclassified Use Permits of uses possessing characteristics of such unusual, large-scale, unique or special form as to make impractical including them in any zone of classified uses. The Planning Commission may grant said permits that are consistent and compatible with the purpose of the zone in which the use is located, consistent with the Comprehensive Plan, and not contrary to the public use and interest. The Planning Commission may refuse to issue an Unclassified Use Permit if the characteristics of the intended use as related to the

specific proposed site are such as would defeat the purpose of these Zoning Regulations by introducing incompatible, detrimental, or hazardous conditions.

B. In each application the Planning Commission may impose whatever restrictions or condition it considers essential to protect the public health, safety, and welfare, and to prevent depreciation of neighboring property.

C. Purpose of an Unclassified Use Permit: The purpose of an Unclassified Use Permit shall be to assure that the maximum degree of compatibility between uses shall be attained. The purpose of these regulations shall be maintained with respect to the particular use of the particular site and in consideration of other existing and potential uses within the general area in which such use is to be located.

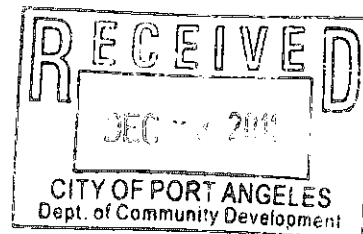
D. The following uses require an Unclassified Use Permit:

1. Aquaculture.
2. Correctional facilities.
3. Gun clubs, skeet shoots, target ranges, and firing ranges.
4. Hydroelectric dams.
5. Oil ports (facilities that will result in the receipt of more than an average of 50,000 barrels per day of crude or refined petroleum that has been or will be transferred over marine waters).
6. Petroleum refineries, liquefied natural gas and liquefied petroleum gas facilities, energy facilities, energy plants and their associated facilities and associated transmission facilities such as defined in Chapter 80.50 RCW.
7. Processing and rendering of animal byproducts.
8. Quarrying and mining.
9. Refuse disposal sites, dumps, sanitary landfills, and incinerators.
10. Removal and processing of sand, gravel, rock, peat, black soil, and other natural deposits.
11. Transfer stations for refuse and garbage.
12. Wireless communication support structures that exceed the maximum building height specified by the particular zone.
13. **Other uses possessing characteristics of such unusual, large-scale, unique or special form as to make impractical including them in any zone of classified uses. (Emphasis added)**



CLEAN, FLOWING WATERS FOR THE WEST

The Center for
Environmental Law & Policy



December 8, 2011

By electronic mail

Sue Roberds, Planning Manager
City of Port Angeles
PO Box 1150
Port Angeles, WA 98362
Sroberds@cityofpa.us

Re: **Comments on A2Z Enterprises/Dan Morrison UUP Extension Request
Extreme Sports Park & Sprint Boat Track, 2917 Edgewood Dr. Port Angeles, 98363**

Dear Ms. Roberds,

The Center for Environmental Law and Policy (CELP) is a non-profit membership organization dedicated to protecting water resources. Those water resources include Dry Creek outside of Port Angeles and its adjacent wetlands.

Dry Creek, despite its name, is not an arid creek bed; it is rich with aquatic life. Historically, Dry Creek supported coho and steelhead spawning. Washington Fish and Wildlife documented spawning steelhead in Dry Creek as recently as 2006. Cutthroat trout thrive above the Kaycee Falls. The Falls are not a 70 foot cliff, as has been asserted, but a long series of cascades and pools which biologists confirm are passable to salmon. With care taken to improve the health of Dry Creek, coho and steelhead could return in abundance to Dry Creek, only enhancing its present importance to many in the Port Angeles community.

CELP became involved in the permitting applications of A2Z Enterprises (A2Z) when it learned that A2Z planned to use what appeared to be water from expired water rights to fill the four acre sprint boat track it was building in Port Angeles. As the City is aware, to procure its initial Unconditional Use Permit (UUP), A2Z had represented to the City that it was going to use to existing water rights located on the site. When it later turned out that those rights were either expired or cancelled, A2Z told the City, and the Department of Ecology which had then become involved, that it was going to truck in up to one million gallons water to fill the track. But it did not do so. Instead, in early September, A2Z ran a pipe from a pond on the Port's property, without a water right or any permit, to fill its sprint boat—sucking hundreds of thousands of gallons of water from the pond at the driest time of the year—where it would become polluted by petrol emissions from the high powered boats set to race around the new sprint boat track. (See the photo at the close of this letter).

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25 West Main, Suite 234, Spokane, Washington 99201 / info@celp.org / 509-209-2899 / www.celp.org

On September 9, 2011, the Department of Ecology, as you will recall, issued a cease and desist order to A2Z to stop the illegal draining of the pond. However, by then, A2Z had already filled its track. Then on September 17th, A2Z held the sprint boat races. The pond water sitting in the track became contaminated. Since then the contaminated water has seeped into the perched aquifer and wetlands associated with Dry Creek, and possibly into the creek itself.

Despite A2Z's brazen violation of the law, Ecology declined to seek penalties against A2Z (as well as the Port) due to a legal technicality. That does not mean that A2Z's actions were not illegal or that it has now come into compliance with the law. Before A2Z can legally operate its sprint boat track, it first must obtain a legal supply of water and have that right approved by Ecology. This has not occurred. Moreover, A2Z must also procure a construction storm water permit for track site development. No such permit has issued. Finally, A2Z must also procure a permit for discharging the water used in the track, including establishing that it can and will treat contaminated water to remove all pollutants (and reduce the water temperature) before the water is discharged. A2Z has not even shown how it would clean the contaminated water, much less procured the required permit.

Under these circumstances, it makes no sense whatsoever for the City to extend the UPP permit when A2Z has not brought itself into compliance with state law.

Moreover, to procure its UPP from the City, back in 2009, A2Z began to work with the Army Corps of Engineers (the Corps) to determine whether the site of the then proposed sprint boat track interfered with the wetlands on the site. Based on the plans that A2Z supplied to the Corps in 2009, the Corps determined that the A2Z did not need a Section 404 permit. However, once again it appears that A2Z's actions did not comport with its representations. A2Z constructed the racetrack to the north and west of the proposed site, and excavated in Wetland C area in doing so. Furthermore, A2Z also apparently constructed two roads through portions of Wetland A and Wetland C. (Wetlands A and C are jurisdictional wetlands of the federal government.) The Corps is currently investigating possible violations of federal law by A2Z, and only last week, visited the site for that purpose. We note too that it appears that A2Z was still building these roads after September 29th: the date when the City's clearing and grading permit expired.

It makes no sense whatsoever for the City to extend the UPP permit when A2Z is under investigation by the Corps for potential violations of federal law, and, at the very least, may be compelled to seek a federal permit. Nor does it make sense for the City to extend the UPP permit when A2Z quite possibly violated the City's clearing and grading permit when it built the roads in Wetlands A and C.

The City has a responsibility to ensure that permit applicants comply with and are not in violation of local, state and federal law when issuing and, as here, extending local land use permits. Given the history of disregard that A2Z has evidenced with regard to Dry Creek and its adjacent wetlands, the City has a duty to protect these public resources by holding A2Z to the highest possible standards of compliance.

Extension of the UUP is premature at this time. Before an extension is issued, given A2Z's history, the City should require A2Z to show that it is in compliance with state and federal law—that means having all the state permits, and possibly federal permits in hand. It is quite clear from A2Z's dismal history of compliance with environmental laws, moreover, that if and when the City extends the UPP, the City

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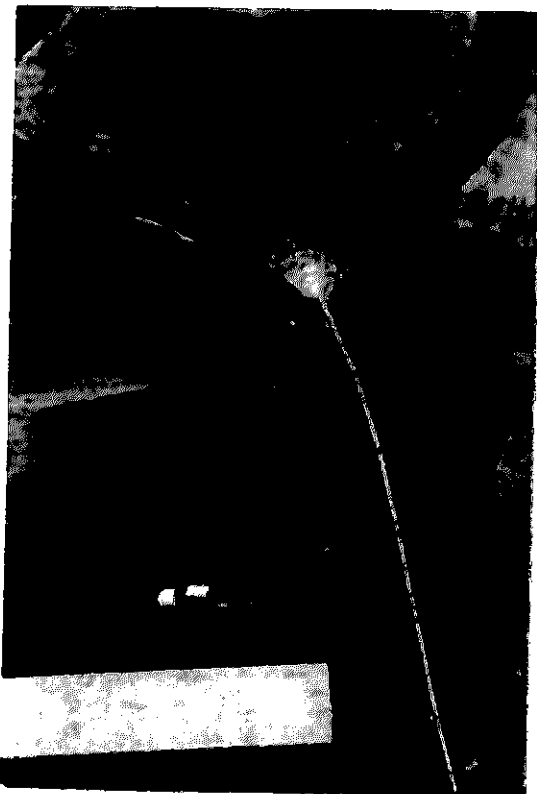
should closely monitor A2Z's compliance with its permits, and require A2Z to submit independent proof of compliance with its environmental permits.

Thank you for considering CELP's comments. Please do not hesitate to contact staff attorney Rachael Osborn at 509.209.2899 or myself at 206.605.0461 for clarification or to obtain additional information.

Sincerely,

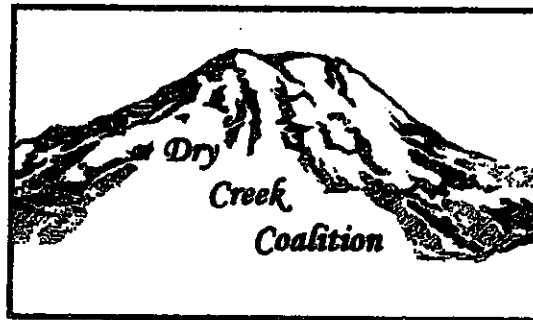
[Handwritten signature]

Suzanne Skinner, Executive Director



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11 MAY 10 09:40



Mission Statement

The Dry Creek Coalition shall identify and address community development and land use issues that affect our homes, our safety and our way of life, and seek to enlist all interested parties in legal efforts to channel developing issues into acceptable resolutions.

May 3, 2011

**Washington State Department of Ecology
Cashiering Unit P.O. Box 47611
Olympia, WA 98504-7611**

Subject: Response to Peninsula Daily News Legal Notice of April 26, 2011: Notice of Application to add purposes of use and change the point of diversion to existing water rights.

The Dry Creek Coalition (DCC) objects to DOE approval of the A2Z Enterprises LLC application to add purposes of use and change the point of diversion of existing rights granted under Surface Water Right Certificate No. 6785.

Points of Fact:

Fact #1: The 113 acre property covered by the A2Z Enterprises LLC (A2Z) is divided by Dry Creek with approximately 22 acres lying to the east of the creek and the remainder to the west of the creek. This property is zoned Heavy Industrial by the City of Port Angeles and has been annexed into the city but has not been provided with city water and sewer services.

Fact #2: This property lies within the heart of the Dry Creek watershed, an area of eight (8) square miles. This 113 acre property consists of one-half to two-thirds of its total area properly classified as wet lands. This was verified by a Cooke Scientific wetland delineation study, sponsored by DCC, in December 2006. A copy of that study was provided to DOE (Mr Mraz) in a 7 February 2007 transmittal letter.

Fact #3: Section 1.0 of WRIA #18 states, inter alia: "Watershed planning occurs under enabling legislation passed in 1998, and is closely tied to planning for other water and watershed resources, including salmon recovery, local land use planning, stormwater management, ..." WRIA #18 Chapter 2.5, pg 2.5-5 states, "Water within Dry Creek may be lost to infiltration during the summer season"; indeed stream flow in the upper A2Z

property area is reduced to very low volume for long periods during most summers. Withdrawl of 90 gallons per minute from two wells would very likely have a very adverse impact upon Dry Creek water flow and the acquatic and avian life which it supports. Additionally, it would have measureable adverse impact upon the extensive wetland area of the A2Z property and upon water wells of adjacent property owners.

Fact #4: On February 8, 2006 the DCC requested a Washington State Fish and Wildlife surveyor assist in a Dry Creek stream survey. During that survey the DF&W located and documented multiple Steelhead salmon spawning in the Dry Creek streambed. This documentation was forwarded on 22 January 2007 to DOE in response to a legal notice for comment on City of Port Angeles landfill stormwater management issues.

Fact #5: A2Z partners did conduct a meeting with DCC membership prior to their purchase of the property from the Port of Port Angeles. At that meeting A2Z provided their land use plan for Sprint Boat racing on an approximate twice yearly basis. DCC had no objections to their plan but stated that we would not agree to land uses which would: 1) Create a net removal of water from Dry Creek and/or 2) Have an adverse impact upon the extensive wetland area of that property. DCC notes with concern that plans now include an expanded public use RV park and a possilbe public use vehicle rock climbing course, all without a provision for water and sewage facilities.

Fact #6: Upon DOE approval of 90 gpm water withdrawl from wells on the A2Z property, that approved water resource together with the existing Heavy Industrial zoning would allow sale of the property for practically any heavy industrial usage. Environmental impact upon Dry Creek, spawning Steelhead salmon habitat, the adjoining wetlands and upon our community would be adverse, unacceptable and would thus clearly violate the legislature's 1998 mandate.

Conclusion: DCC **DOES NOT** support the A2Z application for increased water right limits.

Sincerely,



Arnold Schouten
President
367 Walkabout Way
Port Angeles, WA 98363

For Quality of Life in the Dry Creek Area

From: Gallagher, Mike (ECY)
To: Cline, Vicki (ECY)
Subject: FW: water source
Date: Tuesday, September 06, 2011 11:10:55 AM

Vicki

Here is a photo from Rachael Osborn re: the A2Z Enterprises boat racing pond. It looks as if they are withdrawing water illegally from a nearby pond...

Please follow-up ASAP and keep me posted.

Call Rachael back as soon as you find out more.

Mike

From: Rachael Paschal Osborn [mailto:rdpaschal@██████████]
Sent: Tuesday, September 06, 2011 11:08 AM
To: Gallagher, Mike (ECY)
Subject: FW: water source

Mike – this picture shows the pipeline in the vicinity of the pond.

~ Rachael Osborn

----- Forwarded Message -----

From: Debbie Schouten <amdeb@██████████>
To: Harley Oien <h_oien@██████████>
Sent: Sunday, September 4, 2011 9:54 PM
Subject: water source

Hello Harley,

The attached picture shows the pond on the north side of the property with a pump and the waterline (bottom right corner). No obvious freshly dug hole, perhaps a suction line directly in the pond. The pond level does appear to be lowered.

I hope this helps sort out the water source,
Arnold



From: Harley Oien
Sent: Sunday, September 04, 2011 5:19 PM
To: Arnold & Debbie Schouten
Subject: Re: today

Hi Arnold,

I have one quick question: In circling the site, did you see where the water was coming from? I suspect it was just a hole dug in the wet land where the water table is high. Would appreciate that info. Hope you have a nice trip.

Harley

From: Arnold & Debbie Schouten <amdeb@██████████>
To: 'Harley Oien' <h_oien@██████████>
Sent: Sunday, September 4, 2011 12:50 PM
Subject: RE: today

Hi Harley,
Yes, the photos are very good. Please feel free to forward them to CELP. Also, Richard obviously has seen the photos, if the other board members have not please copy them in the email to CELP.
Quite amazing how this is happening unchecked!
We leave on Tuesday so the pressure is on to get ready,
Arnold

From: Harley Oien [mailto:h_oien@██████████]
Sent: Saturday, September 03, 2011 7:24 AM

To: Arnold and Debbie Schouten
Subject: Re: today

Hi Debbie and Arnold,

Wow, those are really good photos.

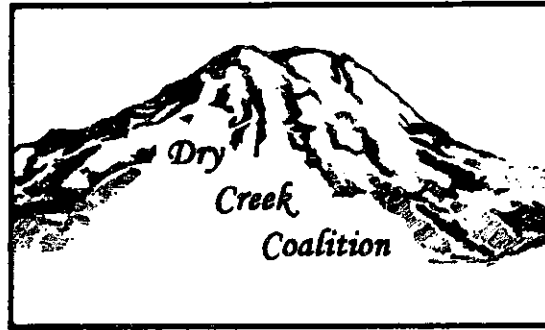
I really think that they have just said, "If we do it who will care."

The pumping from on site is clearly in violation of DOE permit. Should be a good test case.

I will forward to CELP unless you think not. We need to persist. Persistence is the key to success in everything in life.

Again, great pictures.

Harley



Mission Statement

The Dry Creek Coalition shall identify and address community development and land use issues that affect our homes, our safety and our way of life, and seek to enlist all interested parties in a joint effort to find viable development issues into acceptable resolutions.

December 6, 2011

**City of Port Angeles
Community and Economic Development
Attn: Ms Sue Roberds
321 East Fifth Street
Port Angeles, WA 98362**

**Subj: Written Testimony on Planning Commission Unclassified Use Permit
UUP 11-01 for A2Z Enterprises Sprint Boat site at 2917 Edgewood Drive,
Port Angeles, WA 98363**

**The Dry Creek Coalition (DCC) does not support renewal or extension of
the A2Z Enterprises UUP at 2917 Edgewood Drive.**

Dry Creek Coalition addresses land use issues and environmental problems which affect our watershed and consequently the quality of life in our rural, primarily residential community. Coalition volunteer teams respond by identifying problems within the watershed and then surveying, analyzing and documenting those issues in an effort to legally resolve problems. A few of these issues include Department of Fish and Wildlife documentation of spawning salmon in Dry Creek, measuring toxic leachate flowing from the Port Angeles dump to Dry Creek and the Strait, January 2006 community funding for professional wetland delineation at the sprint boat property and documentation of major erosion and damage of portions of Dry Creek's channel which had been diverted by the Port of Port Angeles for airport runway extension.

For the record, the Dry Creek Coalition supported construction of the sprint boat racing course as proposed by A2Z Enterprises in a meeting with the Dry Creek community on May 2, 2008. At that meeting a two acre sprint boat raceway was proposed by Mr. Dan Morrison, Mr and Mrs Don Zozosky, and Mr Randy Alderson. DCC sent a letter to the Port of Port Angeles, then owner of the property, on May 6, 2008 (Attachment A) supporting the sprint boat raceway with three reservations: 1) Dry Creek and its riparian area would not be adversely impacted by the race course, 2) water for filling the raceway would not be drawn from Dry Creek, and 3) discontinuance of any races at some future date would require the restoration of raceway channels with materials originally excavated for the raceway.

DCC has not adopted the anti-sprint boat racing attitude widely popularized by A2Z Enterprises, however, DCC is a very convenient "whipping boy" when A2Z Enterprises's wishes to deflect attention from real issues relating to their adverse development impacts upon the environment.

Grading and excavation of the site does not adhere to the A2Z Enterprises drawings (Attachment B) submitted to the City of Port Angeles and the U.S. Army Corps of Engineers (USACE). Wetland area outside the area of the approved site map was cleared and covered with fill materials.

USACE approval letter dated July 23, 2010 (Attachment B) stated, "The U.S. Army Corps of Engineers has determined Wetlands A, B and C within the review area are waters of the United States." This same letter stated, "Under Section 404 of the Clean Water Act, A DA permit is normally required for the discharge of dredged or fill material (e.g., fill, excavation, or mechanized land clearing) into waters of the U.S., including wetlands". USACE further stated that all wetlands on the property were not shown on the site plan, an enclosure to Attachment B.

Site clearing has created two new roadways in Wetlands A and C. The raceway was expanded in total area into Wetland C at the northwest corner of the sprint boat racing course. None of this wetland encroachment was shown on the Site Plan submitted to the U.S Army Corps of Engineers and to the City of Port Angeles. The newly cleared roads did not exist at purchase of the property in 2008. See Google Earth photograph of the A2Z Property prior to any construction activity (Attachment C). Attachments D, E and F show aerial pictures of the new road constructed from south to

north property lines through Wetland C on the north. Photographs of the new road running parallel to Edgewood Drive and then dog legging north through wetland A and into wetland C have not been documented with aerial photography. Its existence is clearly visible from Edgewood Drive.

It has been alleged that farm roads existed on the pathway of the new roads, making them pre-existing roadways, an assertion clearly refuted by the Google Earth photographs (Attachment C). There are clearly no pre-existing roadways nor footpaths along the route of these roads through the wetlands.

In summary, a two acre sprint boat course has expanded far beyond the facility originally discussed with the Dry Creek community. The raceway has been shifted north and west from its location on the preliminary site plan. Trees have been cleared and excavation has been accomplished in large portions of wetlands designated as waters of the United States by USACE. The routes of these new roads have neither pre-existing farm paths nor roads as proven by Google Earth photographs.

In addition to a large expansion in developed area from the originally proposed two acre raceway, A2Z Enterprises is now in the process of expanding development of the site for a rock crawling course, overnight camping and concert activities. All of these developments will place added stress on critical wetlands and upon our Dry Creek watershed.

The City of Port Angeles should NOT issue further UUP's to A2Z Enterprises and should take corrective action in enforcing remediation of wetland damage and in restoration of the extensive environmental damage created in the non-permitted road construction and wetland clearing for site development.

Sincerely,


Richard W. Peterson
Vice President

14 December 2011

My name is Tamsan Harmon. I live at [REDACTED] in [REDACTED]

Dan Morrison and a group of investors purchased property from the Port of Port Angeles in order to enjoy, at home, a sport they are passionately active in, and to bring to Port Angeles the final annual racing event of the United States Sprint Boat Association races. For over a year, they jumped through an abundance of hoops to obtain permits, and ultimately put on a show that was attended and GREATLY enjoyed by thousands of participants and spectators – many of whom were local residents, with the preponderance of those thousands coming from all over the Pacific Northwest to enjoy the new Port Angeles Extreme Sports Park. The attendees spent their money here, and you can bet your bottom dollar they will come back to the Extreme Sports Park for other events.

To my knowledge there were no objections to the purchase of the property or the issuance of the permit for the Extreme Sports Park THAT COULD NOT HAVE BEEN MADE BEFORE THE PERMIT WAS ISSUED AND HUNDREDS OF THOUSANDS OF INVESTMENT DOLLARS WERE SPENT BY PRIVATE INVESTORS. It is acknowledged that there were conditions on the re-issuance of the Unclassified Use Permit based primarily on the outcome of the September 2011 race. I don't recall reading anything in the papers or hearing about anything, either before or immediately after the September 2011 race, that would lead us to believe that anyone who lived in Port Angeles, whether near the racetrack or not, or any environmental group had any complaints about the event as it was originally approved, and the complainants certainly took their time presenting their complaints.

It is common knowledge that Dan and his group invested a million dollars of their own money in the purchase of the property alone. Having personally spent several days going out to the Park and watching its development, I can only imagine how much was spent in volunteer time and effort, not to mention the use of costly heavy equipment, to present a first class venue to show off Port Angeles to the racers and their followers. And, that investment of private money and time is exactly what many of us are concerned about.

We are at a juncture that could conceivably destroy the investment of these men and women, families that are multi-generational and productive residents of Clallam County, and most of who are highly respected business people. On a personal note, I'm sure everyone here joins me in recognizing and responding to the need to respect and properly manage our environment for the generations to come. Dan Morrison is my immediate neighbor, and any of you who know him know that he and Kelie are outstanding stewards of their land and the lands they work on – they treat the land and the waterways right and take care of them well.

Now is a time when we, as taxpayers, are highly frustrated by what consistently appears to be the failure of our representatives to hear the majority of us and usually the subsequent WASTE of taxpayer dollars with no resultant accountability. Some examples:

We watched while the Port, the City, the County, and the state spent millions of tax dollars on preparations for the construction of the graving yard –everyone with a brain suspected that the first bucket of dirt out of that place would find historical artifacts and rightly so, put an instant end to the project. In advance of the project, not a few, but a lot of people made their objections to the project quite clear -- yet all of our governmental agencies voted to go forward with a project that subsequently failed.

Monies owed to the Port and the City for the Pen Ply property are being “forgiven” as we speak. Nobody is forgiving these guys their debts! And, where are we on the Rainier property? How many years does it take to get the property cleaned up and back into useful, tax generating purposes?

In Washington’s Pacific County over four million dollars was spent over time and went down the tubes last month. A planned wind farm for energy generation was cancelled due to issues with the marbled murrelet. Excuse me, how long have we been hearing about the marbled murrelet???? That bird has been in the forefront of land use planning for at least the 22 years I’ve lived in Port Angeles! It shouldn’t have been a “surprise” that only reared its head AFTER various private sector and public agencies spent four million dollars, \$300,000 of which came from the Clallam County PUD.

The above are examples of FAILED projects – the development of the Extreme Sports Park in Port Angeles was a privately funded SUCCESSFUL PROJECT that brought several thousand people to Port Angeles where they spent their money over a weekend!

The Morrison group was allowed, if not encouraged, to spend or donate hundreds of thousands of dollars of **their** money and time – **not ours** – to develop a property that brought thousands of people to our Peninsula. Now is NOT the time to hang them out to dry. Now IS the time to say thanks, let’s get this show on the road so we can enjoy the two races already calendared for 2012 in Port Angeles, as well as the possibility of other events that are popular, proven winners for stimulating our local economy.

We here tonight challenge you to find a way to make this a win – win situation.

CITY OF



PORT ANGELES

WASHINGTON, U. S. A.

COMMUNITY & ECONOMIC DEVELOPMENT

AGENDA PLANNING COMMISSION

321 East Fifth Street

December 14, 2011

6 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance led by Chair.
- II. **ROLL CALL**
- III. **APPROVAL OF MINUTES:** Regular meeting of October 26, 2011
- IV. **PUBLIC HEARINGS:**
 1. **EXTENSION REQUEST – UNCLASSIFIED USE PERMIT UUP 11-01 – A2Z ENTERPRISES, 2917 Edgewood Drive:** Request for extension of a permit allowing outdoor recreational uses such as sprint boat racing in the Industrial Heavy zone.
 2. **CONDITIONAL USE PERMITS CUP 11-03 AND 11-04 LOWER ELWHA KLALLAM TRIBE – 2917 Edgewood Drive:** Request to allow (2) free standing off site directional signs in the IH Industrial Heavy zone.
- V. **COMMUNICATIONS FROM THE PUBLIC**
- VI. **STAFF REPORTS**
- VII. **REPORTS OF COMMISSION MEMBERS**
- VIII. **ADJOURNMENT**

STAFF REPORT REVISION – UUP 11-01

Due to continuing conversations with the Department of Ecology regarding extension of the Unclassified Use Permit UUP 11-01 for A2Z Enterprises, staff will incorporate the following into the December 14, 2011, staff report as an update to the information.

Page 3 of staff report – dealing with compliance with Condition 6 of the original conditions of approval:

Condition 6 dealt with water use: *Water was provided by tanker truck on race day; however, the matter of the use of existing onsite wells was an issue prior to race day. The Department of Ecology (DOE) did not approve of withdrawal of water from onsite wells in an amount greater than 5000 gallons per day or of water being diverted from Dry Creek for the event prior to race day. The property owner worked with the Port of Port Angeles to supply water from a stormwater pond located on adjacent (Port) property for the event. It was later determined that this method of water use required a permit from the Department of Ecology prior to diversion from the stormwater pond to the boat race pond. It has been determined by the DOE that existing exempt well(s) on the property may be used as a future water source, but withdrawal from any existing well(s) is limited to 5000 gallons of water per day for the entire property parcel. Any withdrawal greater than that amount will require a water right permit from the Department of Ecology. Additional water may be trucked in if necessary if supplied or purchased from a source with a water right permit (such as the City). The use of onsite water is not within the City's purview to control.*

Page 5 of staff report – Finding #6:

Findings #6. The property owner is working with the Department of Ecology and the Port of Port Angeles staff regarding the potential supply of water for future site activities. Any existing water well(s) on the property are available for onsite use, however, the daily withdrawal from any existing onsite wells is limited to 5000 gallons per day. Any withdrawal greater than 5000 gallons per day will need a water right permit from the Department of Ecology.

Clallam County Public Works Department223 East Fourth Street, Suite 6 Port Angeles, WA 98362
360-417-2379 Phone 360-417-2513 Fax**\$160 Minimum****

**See C.C.C. Chapter 3.31

RECEIVED

FEB 25 2011

ROAD NO. 93110.2ROAD NAME W Edgewood DrPERMIT NO. ROP2011-00022

COUNTY USE ONLY

APPLICATION TO PERFORM WORK ON CLALLAM COUNTY RIGHT OF WAY

In Clallam County, a "Right-of-Way" permit is required to work along a county-owned road within the county right of way.

PLEASE PRINT

-DAN MORRISON-Name of Applicant: A2Z ENTERPRISESCounty Road: Edgewood Dr.Mailing Address: 408 E. Scribner Rd

Address/ Milepost of Project Site:

Port Angeles, WA.2917 W Edgewood Dr.98362

When the project is approved:

C.E. SUE ROBARDS.

(check one item below)

☒ Mail permit when approved☒ Call when approved☐ Fax when approvedPhone: [REDACTED]Cell Phone: [REDACTED]Fax: 360-452-9374

Email: _____

073012 XXXXXX**WORK PROPOSED & PURPOSE OF PROJECT**☐ Push/Bore/Overhead☐ Open Cut Road Surface☐ Open Cut within 5' of Road Surface☐ Open Cut beyond 5' of Road Surface☐ Type of Backfill proposed (if applicable)☐ Other MOTORSPORTS EVENT - TRAFFIC IN & OUT

Lin. Ft. _____

Lin. Ft. _____

Lin. Ft. _____

If installation of utilities, check one:

☐ Phone☐ Cable☐ Electric☐ Irrigation☐ Water

Name of Utility Company _____

Start Date _____

Est. Comp. Date _____

Sept. 17, 2011**IMPORTANT:**

ATTACH AN ACCURATE AND DETAILED PROJECT MAP AND/OR PLANS THAT SHOW THE LOCATION OF THE PROPOSED RIGHT-OF-WAY PROJECT. SHOW DISTANCE FROM NEAREST INTERSECTION AND LANDMARK TO THE PROPOSED PROJECT AREA. INCLUDE A NORTH ARROW. AN ACCEPTABLE SITE PLAN FORM IS AVAILABLE.

THE EXACT LOCATION OF THE ENTIRE WORK AREA MUST BE CLEARLY MARKED SO AS TO BE EVIDENT TO COUNTY PERSONNEL. FAILURE TO COMPLY WILL RESULT IN A DELAY OF THE PROCESSING OF THIS PERMIT.

It is the responsibility of the applicant to notify all utilities and private property owners when such property is liable to injury or damage through the performance of the permitted work. The applicant shall make all necessary arrangements relative to the protection of such property and/or utilities.

By signing this permit, the applicant agrees to comply with all conditions as stated on the PERMIT, Form RWPCOND041604, Permit Conditions Addendum and C.C.C. Chapter 3.31. Applicant has 10 days from permit approval date to request clarification or modification to permit conditions attached.

Signed Dan MorrisonDate 2-25-11

****COUNTY USE ONLY****

PERMISSION IS HEREBY ☒ GRANTED☐ DENIED

Call 360-417-2379 for the following:

☒ Start Date☐☐☒ Final

The Approved Permit Must be Posted on Site Until Final Inspection.

COMMENTS: NO TRAFFIC CONTROL ON EDGEWOOD
DRIVE UNLESS APPROVED BY COUNTY**FEE CALCULATION**10 RWSU13

AMT WAIVED: _____

NET FEE: \$160-DATE: 2-25-11RECEIPT# 30102CHECK# 10044REC'D BY: HRCThis permit shall be void unless the work herein contemplated is completed before the following date: 18. SEPT. 2011R Fox28. FEB. 2011

Area Supervisor/Design Review Engineer

Date

Final Inspection By: _____

Date: _____